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In re Application of
David E. Grober
Application No. 10/647,892
Filed: August 25, 2003
Title of Invention: **AUTONOMOUS, SELF
LEVELING, SELF CORRECTING ANTI-
MOTION SICKNESS CHAIR, BED AND
TABLE**

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed April 10, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

In response to a non-Final Office Action mailed November 21, 2005, which set a three month period for reply, petitioners filed an amendment and two month extension of time request on April 25, 2006. In response, a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on June 7, 2006 noting that the amendment filed April 25, 2006 was not in compliance with 37 CFR 1.121(c)(4)(i). The Notice set the longer of one month or thirty days for reply.

A reply was filed July 5, 2006 however, a "Notice" Failure to Acceptably Respond to the Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed July 10, 2006.

Petitioner argues that the response filed July 5, 2006 was complete and compliant and based on a telephone conversation between the petitioner and Examiner of Record, the response filed July 5, 2006 was complete and compliant.

The Examiner of record confirms that the amendment filed July 5, 2006 was complete and compliant with 37 CFR 1.121(c)(4)(i) and the application should not have been held abandoned. The Notice of Abandonment was sent in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 3617 for appropriate action on the amendment filed July 5, 2006, as a proper response to the non-Final Office Action mailed November 21, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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Office of Petitions